

**CALENDAR ITEM
C26**

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08/19/15

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PRC 3592.1
M. Schroeder

**ACCEPTANCE OF A QUITCLAIM DEED AND ISSUANCE
OF A GENERAL LEASE – RECREATIONAL USE**

LESSEE:

Edward Gohl

APPLICANT:

Julia E. Burt and K. Randall Burt, Trustees of the Burt Family Trust, U.D.T. dated March 25, 2003

AREA, LAND TYPE, AND LOCATION:

Sovereign land in Lake Tahoe, adjacent to 4760 North Lake Boulevard, near Carnelian Bay, Placer County.

AUTHORIZED USE:

Continued use and maintenance of an existing pier and one mooring buoy.

LEASE TERM:

10 years, beginning August 19, 2015.

CONSIDERATION:

\$855 per year, with an annual Consumer Price Index (CPI) adjustment.

SPECIFIC LEASE PROVISIONS:

Insurance:

Liability insurance in an amount no less than \$1,000,000 per occurrence.

Other:

1. If Lessee does not have valid Tahoe Regional Planning Agency (TRPA) buoy permits, Lessee is required to obtain such authorization for the mooring buoys within two years after the adoption of a Final Environmental Impact Statement (FEIS) for the Lake Tahoe Shorezone Ordinance Amendments and approval of the amended ordinances. If Lessee is unable to obtain such authorization within the time limit, they must remove the buoy.
2. Lessee expressly acknowledges and agrees that issuance of a lease does not substitute for, or provide preference in, obtaining

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authorizations from TRPA or any other regulatory agency for the improvements authorized by the Commission.

OTHER PERTINENT INFORMATION:

1. Applicant owns the upland adjoining the lease premises.
2. On May 24, 2012, the Commission authorized a General Lease – Recreational Use to Edward Gohl for an existing pier and one mooring buoy. That lease will expire on May 23, 2022. On February 8, 2013, the upland was deeded to Julia E. Burt and K. Randall Burt, Trustees of the Burt Family Trust, U.D.T. dated March 25, 2003. The Applicant is now applying for a General Lease – Recreational Use.
3. The Lessee executed a quitclaim deed releasing their interest in the Lease to the state. Staff recommends acceptance of the quitclaim deed and issuance of a new lease.
4. Staff recommends that the Commission accept compensation in the amount of \$285 for the unauthorized occupation of state land, for the period beginning May 24, 2015, through August 18, 2015. The Applicant has submitted compensation up through May 23, 2015.
5. **Acceptance of a Quitclaim Deed:** The staff recommends that the Commission find that the subject acceptance of a quitclaim deed does not have a potential for resulting in either a direct or a reasonably foreseeable indirect physical change in the environment, and is, therefore, not a project in accordance with the California Environmental Quality Act (CEQA).

Authority: Public Resources Code section 21065 and California Code of Regulations, Title 14, sections 15060, subdivision (c)(3), and 15378.

6. **Issuance of Lease:** The staff recommends that the Commission find that this activity is exempt from the requirements of CEQA as a categorically exempt project. The project is exempt under Class 1, Existing Facilities; California Code of Regulations, Title 2, section 2905, subdivision (a)(2).

Authority: Public Resources Code section 21084 and California Code of Regulations, Title 14, section 15300 and California Code of Regulations, Title 2, section 2905.

7. This activity involves lands identified as possessing significant environmental values pursuant to Public Resources Code section 6370 et

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seq., but such activity will not affect those significant lands. Based upon the staff's consultation with the persons nominating such lands and through the CEQA review process, it is the staff's opinion that the project, as proposed, is consistent with its use classification.

EXHIBITS:

- A. Land Description
- B. Site and Location Map

RECOMMENDED ACTION:

It is recommended that the Commission:

CEQA FINDING:

Acceptance of a Quitclaim Deed: Find that the subject acceptance of a quitclaim deed is not subject to the requirements of CEQA pursuant to California Code of Regulations, Title 14, section 15060, subdivision (c)(3), because the subject activity is not a project as defined by Public Resources Code section 21065 and California Code of Regulations, Title 14, section 15378.

Issuance of Lease: Find that the activity is exempt from the requirements of CEQA pursuant to California Code of Regulations, Title 14, section 15061 as a categorically exempt project, Class 1, Existing Facilities; California Code of Regulations, Title 2, section 2905, subdivision (a)(2).

SIGNIFICANT LANDS INVENTORY FINDING:

Find that this activity is consistent with the use classification designated by the Commission for the land pursuant to Public Resources Code section 6370 et seq.

AUTHORIZATION:

1. Authorize acceptance of compensation in the amount of \$285, for the unauthorized occupation of state land, for the period of May 24, 2015, through August 18, 2015.
2. Authorize acceptance effective August 18, 2015, of a quitclaim deed for Lease No. PRC 3592.1, a General Lease – Recreational Use, issued to Edward Gohl.
3. Authorize issuance of a General Lease – Recreational Use to Julia E. Burt and K. Randall Burt, Trustees of the Burt Family Trust, U.D.T. dated March 25, 2003, beginning August 19, 2015, for a

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term of 10 years, for the continued use and maintenance of an existing pier and one mooring buoy, as described in Exhibit A and shown on Exhibit B (for reference purposes only) attached and by this reference made a part hereof; annual rent in the amount of \$855 with an annual Consumer Price Index adjustment; and liability insurance in an amount no less than \$1,000,000 per occurrence.

EXHIBIT A

PRC 3592.1

LAND DESCRIPTION

Two (2) parcels of submerged lands situated in the bed of Lake Tahoe, lying adjacent to Lot 5 of fractional Section 22, Township 16 North, Range 17 East, M.D.B.&M., as shown on Official Government Township Plat approved November 10, 1865, County of Placer, State of California, more particularly described as follows:

PARCEL 1 – PIER

All those lands underlying an existing pier lying adjacent to that parcel described in Grant Deed recorded February 8, 2013 as Document Number 2013-0013134 in Official Records of said County.

TOGETHER WITH any applicable Impact Area(s).

EXCEPTING THEREFROM any portion lying landward of elevation 6223 feet LTD on the shoreline of said Lake Tahoe.

PARCEL – BUOY

One circular parcel of land, being 50 feet in diameter, underlying one existing buoy lying adjacent to said parcel.

Accompanying plat is hereby made part of this description.

END OF DESCRIPTION

Prepared 06/23/2015 by the California State Lands Commission Boundary Unit.



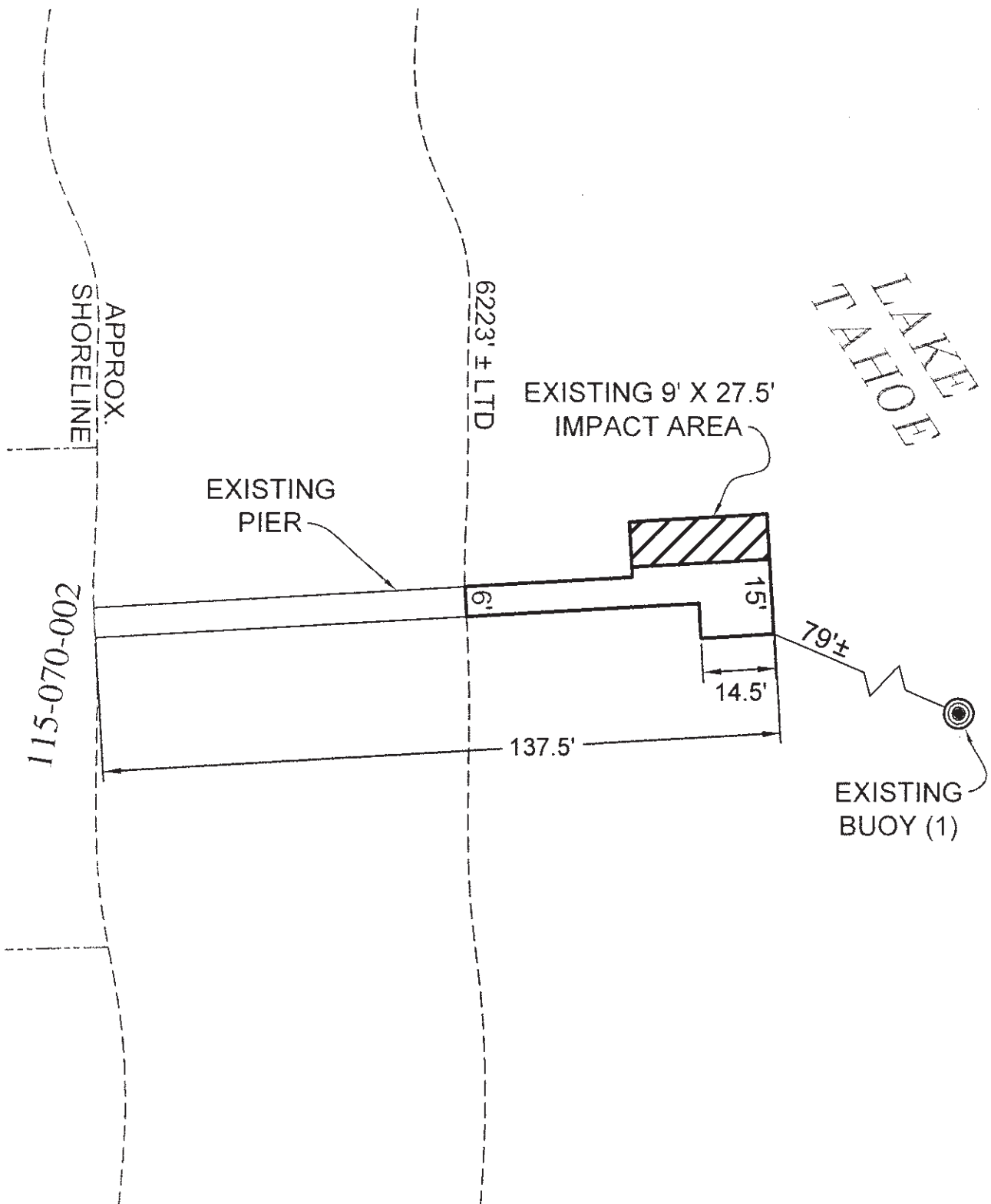


EXHIBIT A

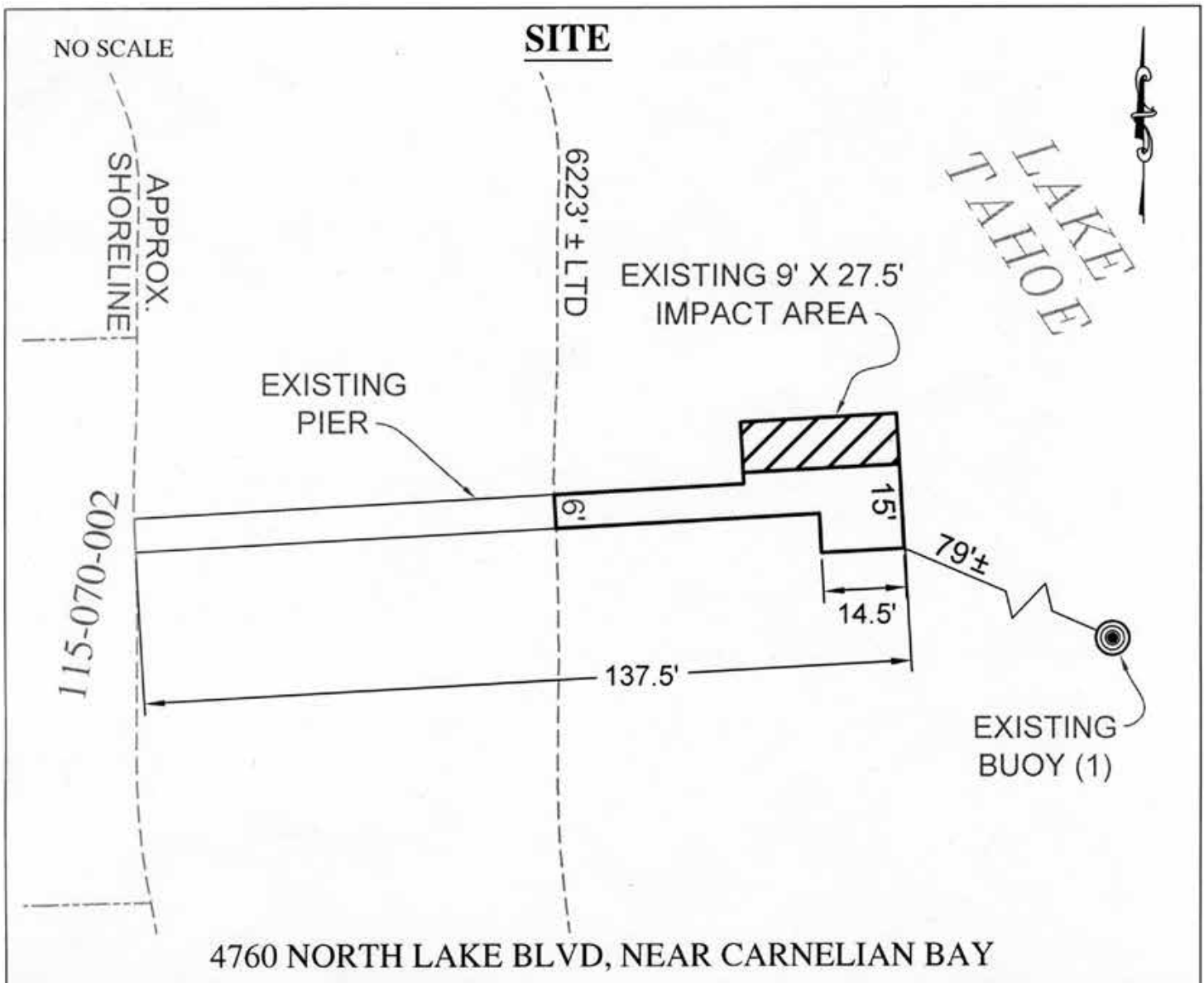
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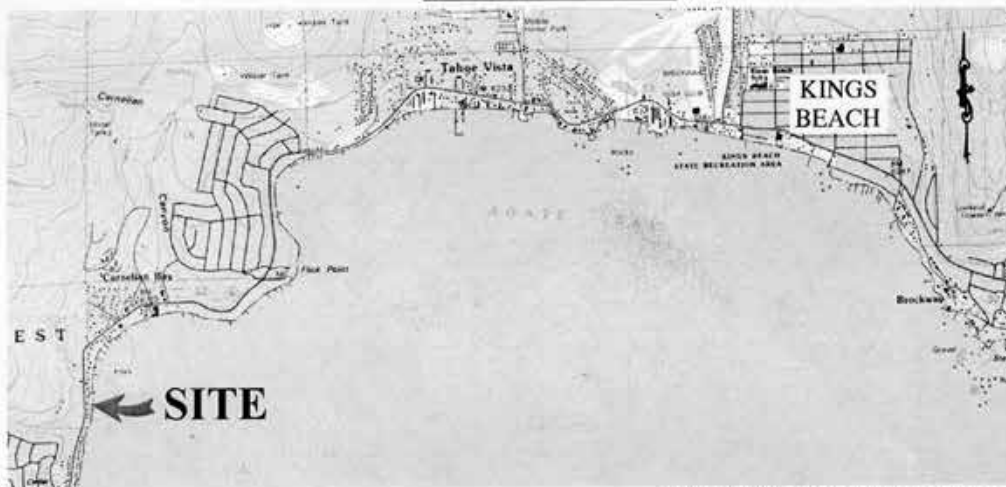
LAND DESCRIPTION PLAT
PRC 3592.1, BURT TRUST
PLACER COUNTY

CALIFORNIA STATE
LANDS COMMISSION





LOCATION



MAP SOURCE: USGS QUAD

This Exhibit is solely for purposes of generally defining the lease premises, is based on unverified information provided by the Lessee or other parties and is not intended to be, nor shall it be construed as, a waiver or limitation of any State interest in the subject or any other property.

Exhibit B

PRC 3592.1
BURT TRUST
APN 115-070-002
GENERAL LEASE -
RECREATIONAL USE
PLACER COUNTY



RGB 06/22/15